

SPECIAL COMMITTEE RIVERFRONT ACTIVITIES AND BASEBALL

March 29, 2007
Aldermen Lopez, Gatsas,
Smith, DeVries, Roy

Immediately Following Special BMA
Aldermanic Chambers
City Hall (3rd Floor)

Chairman Lopez called the meeting to order.

The Clerk called the roll.

Present: Aldermen Lopez, Gatsas, Smith, DeVries, Roy

3 Discussion of proposed changes to retail space area.

Chairman Lopez noted that the purpose of the meeting was primarily informational for a proposal down at the riverfront.

Mr. MacKenzie addressed the Committee stating we have met with some applicants who would like to develop on what was originally called the retail pad. Plans for that did not occur. As you know we have to develop this site in order to make the revenue projections that we have to pay off the bond. So there is a development group here tonight that would like to propose a condominium development on that property. We have initially looked at the plans. We don't see any particular reason that it has to be retail. I think housing in the downtown was a goal of the downtown plan. There would have to be a lot of steps though that this applicant would have to go through including both the Zoning Board of Adjustment, the Planning Board, and votes by this Board. Because they are proposing that the condominium project have balconies. Those balconies would actually extend out over some of the city's right of way, so that for example would be one step the Board would have to approve that type of action. Attorney Clark could probably identify other actions that the Board would have to take. So we have reviewed it in a preliminary way. I think at least that their schematics look interesting and could be a nice project in terms of coming up the highway the view that it would project. We haven't looked at any traffic issues or other issues at this point though.

Bob Duval, engineer with TF Moran, introduced John Cook the managing partner of the development, stating we are here for an informational session to show the committee what's being proposed here, to identify some of the advantages to the city of support of this proposal. As Mr. MacKenzie said we have a lot of steps left to go there will be lots of opportunities to flush out the details of this development. We have to go to the zoning board, we have to go to the planning board, but the primary benefit to the city of this development is the that these 36 units in this location, which are a permitted use of this location, is in line with the city's master plan to provide more residential downtown. In particular this type of development is sort of a contemporary urban living type of development. It will be attractive to young professionals, will bring that kind of person into the downtown. The kind of people who will be working in the Millyard, can be living in the Millyard, can be walking to work, kind of a smart growth in-fill development that's really a positive win-win situation for the city. Most importantly perhaps it is going to provide upwards of \$10 million of value to this small lot that was originally anticipated as a retail pad as ancillary to the baseball stadium. Perhaps to be valued at \$2 million. So we have here a significant opportunity, and what's clearly the highest and best use for this small piece of land, to provide a significant sources of value and tax revenue for the city and we encourage the support of this Board and Committee and we are happy to answer any questions you have at this point. We are still in the very preliminary stage, but we will answer any questions we can and we would like to solicit your feedback to help us as we move ahead.

Alderman Gatsas stated can you tell me have they purchased this or is there an option or what is the position of ownership on this lot.

Mr. Duval stated the lot is still owned by Manchester Downtown Visions, Frank Catapano, but there is a purchase and sales agreement in place subject to approval of this proposal.

Alderman Gatsas asked how long is that option for.

Mr. John Cook responded our purchase and sales is good until we get approvals. If we don't get approvals then obviously we won't purchase the land.

Alderman Gatsas asked Solicitor Clark who would be responsible for the make, the hold harmless agreement, it still would be Downtown Visions.

Solicitor Clark stated there is still a make whole agreement with the city it will stay in place. The make whole agreement is binding upon successors and heirs to the property. It would be maintained by the City.

Alderman Smith stated how did you come up with the figure \$10 million.

Mr. Duval responded we are looking at 36 units and the expected value of these units is going to be at least the hi 200's probably in excess of \$300,000 per unit so I think conservatively we are talking \$10 million and perhaps \$15 million.

Alderman Smith asked if in this market they would be able to sell those units for that price.

Mr. Duval responded that certainly is the expectation of Mr. Cook and his group who have made significant investment to this point I can say, not so much in our fee but in the fees of some of the other consultants that are involved.

Alderman Smith stated I know it is a very small parcel of land you have a lot of hurdles to meet but I know this will improve our tax base and improve the riverfront development. It's like a different stage, we have gone from the main focus the stadium, down to the hotel, and this is like being on third base now and Mr. Chinburg gets his settlement it will be all done, a home run for the City. I certainly concur the only thing is I did talk with Mr. Chinburg and he certainly agreed that it wouldn't interfere with his project, but I didn't talk with the baseball people. Have you talked with the baseball people, how this would interfere or not interfere because it is six stories adjacent right next to the ticket office I believe.

Mr. Duval stated I have talked to Mr. Solomon on a number of occasions and quite honestly he's concerned, he has expressed his concern about traffic and congestion and so forth and we have my opinion and the opinion of this group we can certainly work out those concerns I don't believe that there is any substantial basis for those concerns, the traffic 36 units of condominiums is going to light, certainly much less than the traffic going to see a baseball game, and the congestion issues and the compatibility of the architecture is certainly something that we are willing to talk to Mr. Solomon about, as an interested party. So he has expressed concerns to me and I have indicated back to him a strong willingness to work with him and make sure that his concerns are satisfied.

Alderman Smith stated I believe in communication because from day one this has been hammered left and right people didn't think the baseball stadium was going to be successful, they didn't think the hotel was going to be successful and this was on contaminated land that the city got for a dollar I think it is a win-win situation, but like I said I'd like to have him communication with everybody so they'll be all on line, the baseball people, Mr. Chinburg who I talked with and he said he had no problems whatsoever, and if we can put this all together I think it will be a home run for the city. I did talk with the tax collectors and they assume if you are saying \$10 million we will be getting a tax base of approximately \$168.5.

Mr. Cornell concurred.

Alderman Smith stated at this stage I will support your efforts and good luck with the zoning and planning.

Alderman Lopez stated I think that you should communicate directly with Art Solomon. To be fair with you, you said you had communication with him, let the committee know that he did call me, we are not the regulatory zoning board to complain to us about when you go to the zoning board, he does have concerns and I think he is going to be writing a letter to the planning and so anything that you can do in the meantime to work with the Fischer Cats I think that would probably help your endeavors to move forward. We need to get something in this particular spot, and at the same time we understand, at least I understand the situation with the Fischer Cats as next year they will be doing the all stars here and how that is going to play and how fast this is going to get into the ground, so you make sure that you contact me before you go to the zoning board next week.

Alderman DeVries stated I want to congratulate you first it is a very enticing project though I see there are many steps before you before we can make progress, and it's really to the Planning Director that I want to ask about a couple of these steps that we have to follow before we can probably consider this too thoroughly. The air right release, do the Fischer Cats have a say in that or is it strictly the city, and the reason that I ask is because of the large crowds that they draw to the stadium.

Mr. MacKenzie responded there is actually two areas where they will be needing air rights, one is out towards the city right of way, where the city had some parking, it wouldn't be above the parking, but it would be similar to what the city granted air rights to the building 1001 Elm Street for example and it extended out over the sidewalk. But they were also talking about the area that extended out over onto the parcel that is leased to the Fischer Cats and again I would probably defer to Tom Clark as to what extent maybe both the Fischer Cats and the City would have to approve it. So clearly the city would on the northern part.

Alderman DeVries stated it concerns me that there might be a three party deal there not that I wouldn't want the Fischer Cats to be involved but they certainly need to protect their liability with the crowds that they draw there, so I would echo the sentiments that we have already heard that you should be reaching out to the Fischer Cats in a timely fashion to see what their concerns are and let us know what their concerns are as well. The additional question I have for Mr. MacKenzie is the reduction of density, because this is an area of reduced density already we have made some allowances for that. Are we setting a precedent or

have we done this many times before, to give an additional reduction. Is that a problematic area for us.

Mr. MacKenzie stated in terms of the Zoning Board of Adjustment action, they consider each case on a case by case basis. They have granted basically variances for density issues in the past. They have also denied some. So they do handle it on a case by case basis.

Alderman DeVries stated so you are answering my question that this is an area of higher density just by the zoning that it is in. If I remember there is a higher allowance of density there. The unit density to increase that has that ever happened before.

Mr. MacKenzie stated I believe that they needed Zoning Board actions on for example the Wall Street Towers project. So some of the newer residential have required variance action. Manchester Place required a variance action, but I can't remember if it was for density.

Alderman DeVries stated well maybe it might not be so difficult as I thought it might be from looking at the letter we had in front of us.

Alderman Gatsas asked solicitor Clark if the City had any conversation with Mr. Solomon stating my concern is that he's had conversation with the Chairman, expressed some concerns about this project. I know that he is the biggest payer of the indebtedness at about \$950,000 a year, and I certainly first before I feel comfortable moving on this project that we don't infringe on that \$950,000 payment.

Solicitor Clark responded I have not had any discussions with Mr. Solomon. Alderman Lopez informed me today that he had heard from Mr. Solomon. I informed Mr. Duval earlier today that Mr. Solomon was calling and he ought to sit down and meet with him. There is nothing that can happen that would change the obligations of the Fischer Cats having to make their payments without having to come back before this Board. As I understand it, and I haven't seen the plans, I understand that the plans are in a very preliminary stage and exactly what approvals will be necessary for Mr. Solomon if any are still in the air, we don't know.

Alderman Gatsas stated I am certainly not opposed to the project but I certainly have some concerns that the biggest payer of the nut as they say has concerns and I'm not familiar enough with that agreement anymore to tell you that he's got a leg to stand on he doesn't have a leg to stand on or he's got an awful lot of lawyers that if he is not happy with this that he has the ability to fight it. I'm not saying

that he will or he is going to but I certainly as a member of this committee would like to hear from Mr. Solomon to find out where he is at.

Chairman Lopez stated from what I understand originally that we talked about that we might have to go back to the full board, but after talking to the City Solicitor in reference to the retail space after two years they could come in and do what they want, they could present a plan to the Zoning Board and Planning Board as to what they want to build there and this Committee would not have the authority to stop them from moving forward.

Solicitor Clark stated originally when the project was moving forward there was going to be a master lease on the property, it was going to have restrictions on how the property could be used. When the project moved to a sale of different parcels to the parties it was presented back to this Board there was an explanation that retail would be tried, but they were sure it was going to be successful there, and the Board voted to approve the deed and the restriction that the property be restricted to retail for two years. That period has now expired.

Chairman Lopez stated so they have the right to move forward to the Zoning Board and try to get the variance they need.

Solicitor Clark stated the owners of the property and/or their agents have the right to move forward, yes.

Alderman O'Neil addressed Mr. Duval stating you mentioned that Mr. Solomon has some concerns. Alderman Smith said he actually spoke to Mr. Chinburg and he was supportive. Have you had a similar conversation with him.

Mr. Duval replied yes he had.

Alderman O'Neil asked about the Rodell Family and the hotel.

Mr. Duval responded he had also spoken to Dave Rodell and he is supportive of this project he thinks it would be a nice complement to his hotel.

Alderman O'Neil stated we have known for years that something was going to go there. We were heading down the path for a restaurant for a period of time, that hasn't worked out, I applaud Mr. Cook and his partners for stepping up and trying to make something happen there. To me with the very little I know about the concept this target some of the businesses that are in the Millyard that we've had come before us, like the AutoDesks or the Texas Instruments that want to be in an urban environment, have their employees walk to work, it's only right across Granite Street, so I think this fits that young professionals, I think this is exactly

what we are looking for to enhance the Millyard area. Alderman O'Neil continued by addressing Solicitor Clark stating there seems to be some concern about Fischer Cat's rights but don't we also have rights because we actually own the stadium.

Solicitor Clark responded we own the stadium, we lease it and have a management operation with the Fischer Cats. Whether the Fischer Cats have any legal say in this project will actually depend on the final design and what Mr. Duval and his clients come up with. Until we know exactly what they are looking for we couldn't tell you one way or the other.

Alderman O'Neil stated but in the case of the Rodells they are an abutter correct.

Solicitor Clark responded they would be an abutter yes.

Alderman O'Neil stated the City is actually the abutter with the baseball stadium.

Solicitor Clark responded correct.

Alderman O'Neil stated I too would encourage the team to Mr. Cook and his partners and his consultants to reach out to Mr. Solomon and other staff of the Fischer Cats but this is something that we have known was going to happen for a long time, or could happen, more importantly should happen to be honest. I have sat out on the deck on a few occasions at the hotel and that comes pretty close to being on the ball field itself, so I don't know how this residential project could get any closer than that and it seems to work without any issues at all. I thank Mr. Cook and his partners for stepping up and making something happen here, and he has my full support.

Alderman DeVries stated this project will in no way impede the river walk that is through that area, correct.

Mr. Duval responded that is correct.

Alderman DeVries stated we had some conversations, some concerns I had for the Fire Department with the boat launch, since it's the rescue that brings the small boat to launch there, their turning radius is difficult at the end of an already lengthy fire truck so I ask you as you go forward to pay attention to that because that is the only point of entry for that boat whenever they have a rescue, and it's always a very quick time sensitive launch of the boat it's not like they have a whole lot of time to think about how they are making their turn radius through there. My third comment and Alderman O'Neil kind of led the way for it, I'll ask you to consider that roof top patio cause I just think it would be a great place for me to go visit.

Alderman Smith stated I did talk David Rodell and he gave his blessing too, I inadvertently forgot that, I know there is no parking restrictions because you are in the Central Business District but I wish that you would follow up with Mr. Solomon. If you would follow up with him you can touch all basis and then be able to proceed from there I appreciate it, thank you.

Alderman Long stated Mr. Cook, Mr. Duval, I think this project complements the area. I appreciate the fact that you are coming early to us. I understand that you are talking to Mr. Solomon, and hopefully there could be something that could be worked out. I think you are doing everything right, I know you realize the task you have ahead of you and you are being open with this Board and coming out early and I think that will help you move this along, if there is anything else that we can do or I can do please don't hesitate to call I like the project.

Alderman Gatsas stated I think that this committee should at least extend to Mr. Solomon an invitation to have him come in and address whatever concerns he may have to this committee. So if you would like that in the form of a motion, I would give you that.

Chairman Lopez stated I have no problem with Mr. Solomon coming in, it's a question of when, because they are going before the Zoning Board April 5th and that is the opening of the Fischer Cat Stadium that night. If the City Clerk could arrange something for Tuesday evening it shouldn't take very long, is that possible.

Deputy City Clerk Johnson stated she could check the schedules.

Chairman Lopez stated we can ask staff and let Mr. Solomon from the Fischer Cats to appear before the Committee next Tuesday night for his remarks as they go before the Zoning Board, again, the legality is they have a right to go before the Zoning Board and present their case as well as Mr. Art Solomon has the right I think the concern that most likely some of us have is is there anything in the agreement that would jeopardize the lease agreement and the money that we get in if we do something along the line to sort of damage his take on the baseball.

Solicitor Clark stated I am not aware of anything in the lease agreement that is going to damage the Fischer Cats and Mr. Solomon. As I told you before this Committee, this action here tonight is informational, the Committee doesn't have an action tonight. This is to inform the Board as to what is going on. The property owners and their agents do have the right to go to the zoning Board.

Chairman Lopez stated with that if the City Clerk work with Mr. MacKenzie to contact Mr. Solomon ask him if he could meet with the Riverfront Committee Tuesday night for a half hour.

Deputy City Clerk Johnson noted that my recollection of the schedule is that if the meeting were to occur it would have to be scheduled around 4:30 in the afternoon, because we do have things scheduled at 5, 6, and 6:30 at this point.

Alderman Roy stated with all due respect I know we want to hear the opinion of the Fischer Cats and the opinion of Mr. Solomon but I would hate to have Mr. MacKenzie call and ask him to appear in front of us when at this point we are not making any decisions, the proper location for his comments would be the Planning and Zoning Boards and he can be represented by himself or his attorney or staff at that point. I have a great deal of respect o the man and I'd hate for us to request his presence at a meeting when either an opinion in writing or a staff member of his could come and give an opinion for our informational purposes only. I don't want to take this gentleman's time for an unnecessary Board of Mayor and Aldermen meeting.

Chairman Lopez noted he had suggested the meeting to accommodate one of the members, but if the Committee want to move in another direction.

Alderman Smith asked Mr. Duval and Cook if they could meet with Mr. Solomon before Tuesday and make arrangements because I am saying on the 5th it's opening night and I'm sure that he doesn't want to be attending a meeting at 4 or 4:30 but if you would meeting with him directly. You need to have direct contact.

Mr. Duval responded absolutely and we've already started that we met with him months ago I've spoken to him recently we intend to continue working with him and all the abutters to make sure in the formal process, and outside of the formal process, to make sure that everybody is comfortable with this development and we are going to work this development through the system and make sure that all this talk of rights notwithstanding that all parties are comfortable, that we will convince the city that this is in the stadium's best interest and the city's best interest and in the best interest of this developer and all of the other abutters and parties in this process.

Chairman Lopez stated hearing from the committee we will just move forward and make sure you contact him, I am sure he is going to send a letter to Mr. MacKenzie anyway because I told him to put his comments in writing to the Planning Board or Zoning Board anyway so we will move forward and Mr. MacKenzie will inform us after you make contact with him you contact Mr. MacKenzie and share those concerns with Mr. MacKenzie we would appreciate it

and that way as you move forward into the zoning board that seems to be the wishes of the committee.

Alderman O'Neil asked as an abutter is the city going to take a position.

Chairman Lopez stated as an abutter I think the city will take a position when it comes back to the full Board as we heard from Mr. MacKenzie and Mr. Clark that we have a part to play in this.

Solicitor Clark stated the full Board will have potential play if we are going to grant an air rights lease. That would be the only thing that I see right now that the Board would have an action on. Generally and this happens quite often where someone goes to the Zoning Board where the City is an abutter and I can't think of the last time that the city took a position at the Zoning Board of Adjustment.

Alderman O'Neil stated we do have a legal right to take a position.

Solicitor Clark concurred.

Alderman O'Neil stated we have to protect our rights on this as well, at both the Zoning Board and the Planning Board, so just something to think about.

There being no further business to come before the committee, on motion of Alderman DeVries, duly seconded by Alderman Smith, it was voted to adjourn.

A True Record. Attest.

Clerk of Committee